

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff

vs

CRIMINAL 00-0730CCC

- 1) CRISTOBAL GARCIA, T/N ELVIN  
APOLINAR-SEGURA, a/k/a Carlos Negrón-  
Rivera, a/k/a Mario del Rosario-Mariano
- 2) ELVIS ACOSTA, a/k/a El Gordo, a/k/a  
La Gorda, a/k/a El Pasao
- 3) SEALED
- 4) MARIANO MERCEDES
- 5) SEALED
- 6) ANTONIO GIL-GAMALLO  
a/k/a Tony
- 7) SEALED
- 8) ROBERTO MENDEZ-SOTO a/k/a El  
Pájaro
- 9) RUBEN LOPEZ-NUÑEZ
- 10) JOSE ALTAGRACIA CASTILLO,**  
a/k/a José Pichiche
- 11) BERNARDINO ARIAS-SURIEL,  
a/k/a Fico
- 12) ALBERTO MENENDEZ-GUTIERREZ  
a/k/a Roberto García, a/k/a Roberto  
Menéndez
- 13) MIGUEL ROSARIO OLGUIN  
a/k/a El Viejo, a/k/a Peje Verde
- 14) ARIEL NUÑEZ-JAVIER
- 15) SEALED
- 16) MANUEL FERNANDEZ-CARRERA
- 17) MANUEL RODRIGUEZ-CARABALLO  
a/k/a Popeye
- 18) LUIS PEÑA-CACERES
- 19) JOSE GUZMAN
- 20) CANDIDO FRANCESCHI
- 21) NYDIA VAZQUEZ
- 22) ANITA RODRIGUEZ
- 23) FELIX VEGA
- 24) SEALED
- 25) VICTORIA JEFFRIES
- 26) STEPHANIE HILL
- 27) MARISOL RODRIGUEZ and
- 28) EDDY GUTIERREZ-REYES

Defendants

**O R D E R**

Pursuant to the Opinion of the Court of Appeals issued on August 4, 2005 (see docket entry 947), which vacated the sentence of defendant José Altagracia Castillo (Castillo) and remanded the action for re-sentencing after finding that this Court erred when it applied to defendant a role-in-the-offense enhancement pursuant to U.S.S.G. §3B1.1(c), his re-sentencing hearing was scheduled for November 16, 2005 (see docket entry 955). On the eve of said hearing, defendant has filed Objections to the Presentence Investigation Report (**docket entry 957**), where he basically seeks a downward adjustment of two levels under U.S.S.G. §3B1.2 for his alleged mitigating role in the offense, as well as the amendment of the Pre-Sentence Report (PSR) to conform it to the opinion of the Court of Appeals.

Defendant's request for a minor adjustment is NOTED. His petition that the PSR be amended to reflect the factual findings, guideline computations, and applicable statutory minimum resulting from the Court of Appeals' findings is GRANTED.

The Court, in imposing sentence, will consider not only the advisory Sentencing Guidelines but all the statutory factors established in 18 U.S.C. §3553(a). United States v. Booker, --- U.S. ---, 125 S.Ct. 738 (2005).

SO ORDERED.

At San Juan, Puerto Rico, on November 16, 2005.

S/CARMEN CONSUELO CEREZO  
United States District Judge